DEFINITION AND MEANING

The All India Seminar on Legal Aid of 14th and 15th September 1991, held in Hyderabad expressed the view that:

The Para Legals who are otherwise known as bare foot lawyers to go to the villages and to disseminate the Legal Literacy Programmes and to educate the common men particularly the exploited, depressed and to women about their rights guaranteed under the Constitution and various enactments.

From the above it can be deduced that the aid which is provided by Para Legals which does not include the services of practising lawyers.

The word para legal is neither defined in The Legal Services Authorites Act, 1987, nor in General clauses Act, 1897, but these words are similar to the para medical in medical terminology.

Justice Kania is the above seminar states that Para Legals have an important role to play in spreading legal literacy programme to poor and downtrodden.

Mr. Justice A.M. Ahmed stressing the training of para legal observed that in the first place one must be assured that those chosen have the basic education for understanding and assimilating the elementary knowledge about the laws in regards to which they are imparted training. Secondly, we must ensure that they are service oriented and have roots in the areas where they are expected to operate. It is no use of training
to those who have no roots, are likely to leave the arena in search or pursuit elsewhere. Thirdly, we should take care in picking up of only those laws for training which are likely to prove useful in that area. Fourthly, they must be provided with sufficient incentives and status in society for the services rendered by them. In keeping above in mind we identify areas or zones which such para legal trained not only the basic laws but also in the art of negotiating settlements, are put into service they will be able to render useful service to our poor and unprivileged citizens and help to avoid unnecessary disputes and strifes.³

Discussing the above subject S.S. Sharma comments this para legal training programme envisages the work of students with the help of social welfare and voluntary agencies or organisations in persuading the people to seek justice through conciliation, compromise, negotiation and arbitration like Lok Adalats, the local administration can forward the helping hand in co-ordinating such activities.⁴

It is found that⁵ under the para legal training programme exposure is provided to law students and social workers to the necessity of generating legal awareness in respect of the problems and issues related to children, labourers, backward classes, beggars, people under police custody and jails.

S. Murilidhar states⁶ the use of trained para legals and law students to supplement the role of lawyers in pre and post litigation stages can be explored as this will cover a large section of the institutionalized population while not making the cost unmanageable.

It means any legal services to the poor persons of the societies to solve their legal problems and to safeguard the legal rights and to provide legal rights. Para Legal Aid may be related with the following elements-
(a) Para Legal Aid Clinic,

(b) Para Legal Training,

(c) Legal Aid Services,

(d) Legal Literacy.

This para legal aid may be provided through-

a) Provision of legal programme.

b) Provision of legal education.

c) Provision of free legal aid and assistance.

d) Attempt of amicable settlement of disputes through Lok Adalats.

e) Para legal clinic.

f) Clinical legal education to law students through Legal Aid Clinic.

g) To organise and run para legal clinic by voluntary agencies.

h) Settlement or relief through Public Interest Litigation.

Para Legal Aid is also the object of Clinical Legal Education of law students to associate them with lawyers and judges for better legal career.

Stephen Golub remarked—in some cases para legals are paid professionals, while in others, they are unpaid volunteers.

Para legals move from obscurity during most of the twentieth century to prominence during twenty-first century in debates involving the new legal aid justice system and legal aid system which is called extended access to justice system to distinguish it from traditional legal aid under the present dispensation.6A

They are driven by and always strive and maintain community accountability in one form or another. Their works by and large are driven by issues and problems affecting
Actually in many cases there are only little differences between the clinical legal aid and para legal aid in India. The main difference is in para legal aid, no practising advocates having enrollment in Bar Council of India are engaged. Lawyers are lawyers while para legals offering para legal aid can be said as bare foot lawyers having no LL.B. degree in general and practising licence of Bar Council of India in particular. Hence according to Barry Metzger in narrowest definition of clinical legal education means the para legal education. The term encompasses student legal aid clinic and the traditional apprenticeships.

From the above discussion it comes to light that para legal aid is a substantive support to legal aid programmes being the other side of a coin. The legal aid programme would not reach its zenith unless there are sufficient provision for para legal aid.

PARA LEGALS IN INDIA

In India like other countries every body knows that advocates and judges are busy with their working schedules. Those who are voluntary workers not having formal training in law are given brief training tips so that they create awareness amongst the illiterate and ignorants. Therefore, state can create more para legals by way of para legal training from the members of Non Government Organisations and from law students.

A para legal training programme can be organised among law students in collaboration with social welfare organisations as well as voluntary agencies (NGOs) in persuading the people to seek justice through conciliation, compromise, negotiation and arbitration and the like.

The law students and members of voluntary organisation are also trained about
the skill of public interest lawyering; Off course good senior advocates are dearth to impart para legal aid training due to their heavy working schedule.

The para legals are also organising seminars on socio-legal problems among the people. In India para legals are visiting jails to assist the inmates of jail, juvenile home to bring awareness among them about various provisions of law. Para legals are also visiting the open jail, remand home, destitute home to enlighten the inhabitants about various reformative provisions of law and availability of free legal aid. For instance in November’ 2001 a court hall has been constructed in the premises of Central Jail, Nagaon.

In India the para legal aid rendered by National Law School of India University, Bangalore are praiseworthy, followed by Law Faculty of Jodhpur University, Cochin Law College, Maharshi Dayananda University, Rohtak; Benaras Hindu University; Aligarh Muslim University.

Example can be cited about Bangalore Law School, which is the year 1995-96 succeeded to release 600 undertrials of Bangalore Central Jail, 500 undertrials were released on jail. While 2000 cases were pending to Consumer Forum, and 50 cases were resolved in the year 1995 out of 498 cases brought before Lok Adalat.

Commenting upon the need of para legals referring the State of Punjab according to S.S. Sharma not only the illiterates are ignorant of their legal rights and obligations but also the graduates or post graduates are ignorant of law. It is so despite the fact that our legal system functions, in the premises that ignorance of law is not excuse.  

Rotary Club, Rotary International or the Red Cross Associations, All India Women Associations are providing para legal aid in Punjab. The Legal Aid and Advice...
Society is working in West Bengal. Young Mizo Association is working in Mizoram. Para legal aid in India is now included in the LL.B curriculum as practical paper to teach preparatory work in lawyering that the budding lawyer can proficiently identify the socio legal problems.

In India most of Public Interest Litigations are started by para legals and people are deriving its benefit and impact of law from those decisions.

In the State of Gujrat yeoman's service are performing by para legals. Here regularly para legal training programmes are imparted. Under this programme exposure is provided to law students, workers to generate legal awareness particularity in the field of problems and issues of law, and special issues relating to children, labourers, backward classes, beggars, people under police custody and jails. Upto 1.3.2003 all total 135 sessions of Para Legal Trainings are held in Maharashtra and also para legal clinics are functioning well to provide para legal aid.

In Rajasthan also para legal clinics are held. Dr. A.S. Anand, Chief Justice of India send the blessing to Para Legal Clinic on 27th December, 1999 thus-

Legal aid is constitutional imperative, the unprivileged and the downtrodden are entitled to receive legal aid as of right not as charity. Holding of para legal clinic in Rajasthan is a timely. I wish the clinic very success.

In para legal clinic problem of villagers relating to revenue, agricultures, bank loans, family matters and civil and criminal matters are advised.

**PARA LEGAL AID IN SOUTH AFRICA**

In South Africa the para legals in order to position themselves to become an internal part of legal and justice system and meaningful contributors to the goal of substantive
access to justice in a country where the majority of the people are poor and demands of legal aid are frightening proportions.

In South Africa a substantial number of para legals are drawn away from society and from law graduates who have not secured articles or secured the right to practice their profession. The range and extent of the work they do corresponds with the individual para legals personalities and competency.\textsuperscript{74}

In South Africa Law Centres are recruiting and utilizing para legals in its recent innovation. There are private legal practising para legals who are working in the commercial law farms working under the supervision of specialist in law. They are specialised in specialised area of law.

The para legals have a deep hunger for acquiring and developing knowledge, acquiring and increasing skills. To setup a chair of mutual sharing of skills and resources as a norm for the mutual benefit of the partners and their respective clients it sought to encourage and deepen operational networking and mutual exchange of information where none of the partner organisations operate in little corner.\textsuperscript{78}

In South Africa in order to render para legal aid there is the provision of Citizen Advice Bureaux. It is also found that any extended access to justice model will be incomplete without para legals involvement. However unless structural problems and impediments which have been facing by advice centres without people's corporation will be futile exercise.

It can be found that holistic and systematic recognition of para legal practitioners, neither than current piecemetal approach should be considered to case limited right of audience in courts, forums and tribunals.
In South Africa it is prevalent that in order to secure a better social status to para legals a Three Years Diploma Course is essential in legal studies. This being provided by Tshwane University of Technology since 1998. It is found that the National Diploma in Law for para legal studies or Applied Legal Studies for 2 years duration under distance education like U.J. Law Clinic can be studied. On the other hand in South Africa it is on active discussion that in order to meet fund crunch to run Para Legal Clinic Bureaux Centre a cost effective legal aid can be started.

It comments that in para legal aid whatever done, the quality of extended legal aid services should not be sacrificed at the alter of expediency. In South Africa para legals serve for Community Law and Rural Development Centres. This provision is also found in the country like Sera.

The data which are available in South Africa that upto 1992 in South Africa 1,50,890 persons are convicted without legal representation. This shows the need of dimension of legal aid and para legal aid in future days while the number rises to 60% of the criminal cases in the year 1993. On the other hand the 21 para legal camps up to the year 2003 were organised by Universities and Law Schools (Colleges) are not enough to meet the growing demand for para legal aid.

It is anticipated that the Data Based Management System having private and public component will increase the efficiency of legal aid as well as para legal aid in South Africa.

In South Africa it is found that there are some Para Legal Advice Offices, majority of which are situated within poor communities, many of them in rural areas, with little access to legal services, they primarily render social welfare and basic employment
matters and also educate their communities concerning the basic rights. A number of law clinics and justice centres provide legal services like para legal advice.

Here para legal and other non lawyer services are provided by way of lectures, workshops and other programmes in connection with other role payers. Para Legals' Clinical Legal Education is providing experimental learning facilities for LL.B. Students. Clinical Legal Education provides that it is one of the important trainings to para legals which consists of the students and Government officials.

Here, 97 Non Government Organisations, 22 Community Based Organisations, are providing para legal services in 33 districts in the year 2004.

In South Africa in the year 2003-04 provided all total 17,244 para legal services. The para legal advices can be used to complement conventional lawyer based services/schemes. They are often located where communities make their first contract with the centre and can play a valuable role in screening intial legal complaints and referring potential litigants to Lawyer Based Services Schemes. Para Legals to be paid for their services from Non Government Organisations or Government and properly trained for capacity building. To achieve this District Legal Services Authority office should get proper fund.

There are three para legal model in South Africa thay are (a) Reformist Para Legal Model (b) Radical Para Legal Model and (c) Tranformation Para Legal Model.

PARA LEGAL AID IN BANGLADESH

In Bangladesh the one of the largest Non Government Organisations providing legal aid is -the Bangladesh Legal Aid and Services Trust (BLAST) which is founded in 1993 by a group of Senior Lawyers and has expanded its activities since 1995.
The objective of BLAST is to promote access to justice; to provide free legal aid by suitable means / schemes to ensure that opportunities for securing justice so that it is not denied to any citizen on economic or other disabilities.

At present it has its Head Office in Dhaka with six divisional unit offices at Barisal, Chittagong, Dhaka, Khunia, Rajshahi and Sylhet. It has also 12 district units founded substantially by foreign donors like Ford Foundation, The Asia Foundation, British Council, USAID, NOVIB and the European Human Rights Foundation. The BLAST is not a income generating Non Goverenment Organisation.

In 2002-03, BLAST deals 2,757 criminal cases out of total 7822 cases in subordinate courts out of all total over 8000 cases filed in the year 2002-03: 3500 cases were criminal cases.

BLAST is also filing habeas corpus petition in Supreme Court, the numbers of cases filed is 57 in the year 1995 which now rises to 114 in 2002-2003. Even in the year 1997, lack of resources compell the BLAST to provide legal aid to 30,863 people in the year.

BLAST even in the year 1996 files twenty Public Interest Litigations in Supreme Court. In the year 1998 a land mark judgement was delivered under Public Interest Litigation on 7th April 2003 by Supreme Court of Bangladesh laying down the guidelines for arrest. Basing on the Newspaper report of 2003, BLAST has filed a Public Interest Litigation in Supreme Court praying for release of 155 undertrial prisoners who had been languishing in the Dhaka Central Jail for period longer than the maximum sentence they would have to spend if convicted.

Other active works taken by BLAST in the judicare model of legal aid. Where
cases are assigned to lawyers from the panel and each of them is paid on a case by case basis. Although the Bar Council Rules of Bangladesh do not require advocates to take up legal aid cases under Rule 9 of Chapter-II of Bangladesh Bar Council Canons of Professional Conduct and Ethics.8J

BLAST has 33 staff lawyers and 1000 advocates in panel. The number of applications received by BLAST is 1793 in the year 1995. Which is now raising to 5756 in 2002-2003.8K A majority of those approaching BLAST for legal assistance are women, while 20% of the other complaints received are rejected. Other important Non Government Organisations which are providing legal aid are the Madaripur Legal Aid Association (MLAA), Bangladesh Society for Enforcement of Human Rights and Odhikar, ASK and BNWLA.

In Bangladesh para legals are asked to teach about 'Shalish' a system of mediation which is effective in resolving civil disputes. It is a device to face resource crunch.

PARA LEGAL AID IN UNITED KINGDOM

In United Kingdom the legal aid provided from the government is more than the any country already discussed earlier so the development of para legal aid is comparatively at low ebb in United Kingdom.

Moreover there are every possibility to get legal aid from Government even in the criminal cases. Because all court summons are to be accompanied by leaflets/information about the availability of free legal aid and advice leaflets are to be handed over by the police to the arrested person and the court clerks are to ascertain if the defendant had need the leaflets and if they needed legal aid.

Yet one can find the setting of country first 'Law Centre' in North Kensington
in London, providing the unmet needs of the community in areas of civil law like housing and employment. These law centres are non-profit making organisations providing legal advice and representation at no cost to their users. It belongs to and works for the community within a defined locality. It will be managed by an independent group elected from that community.⁸

There are 52 Law Centres out of which 22 centres within London City. 57% of them are founded by London Boroughs Grants Committee and rest by National Lottery Charity Board. The Springfield Law Centre in London is located in the mental hospital and where dis-charged inmates employed to do legal aid work. The Lord Chancellor Advisory Committee which visited this centre on 3rd June' 1998 advocated greater government support for Law Centres.⁹

Probably United Kingdom would stand first to spend more moneys to provide legal aid from Governments end. In the year 1990-91 it spent 333 million pounds on criminal legal aid.⁹

In United Kingdom less than 10,600 firms are providing para legal aid out of which about 5000 do very little legal aid business. As the object of legal aid is to provide benefit to public. Para legal aid work is neither remunerative nor a privately paid commercial work as done by city firms.⁹⁰

Another interesting feature in United Kingdom in the field of para legal aid that Government to provide funds to those who institute Public Interest Cases for improving access to justice.⁹¹

In United Kingdom there are enormous scope of para legal aid because from statistics it is found that only 24% people are seeking assistance from lawyers.⁹²
is incorrect that no lawyers services are cheaper because they are inferior.  

In conclusion it can be said that in the United Kingdom a comprehensive nationwide legal aid programme has been in vogue since 1949. The Legal Aid and Advice Act, 1949 governs all matters concerning legal aid and advice. The Government finances the Non Government Organisations, private welfare organisation to provide para legal aid.

PARA LEGAL AID IN UNITED STATES OF AMERICA

Here the educational qualification of para legal is required to obtain a certificate of completion of Para Legal Programme provided by the American Bar Association or certificate of completion of Para Legal Programme or a degree from post semister institution. This requires a certificate of completion of a minimum 24 semisters or equal units in law related course that has been accredited by the National or Regional Accrediating Organisations.

The first clinical legal education in United States of America started in the year 1893 at Harvard Law School followed by Pennsylvania University. One of the aims and objects of Clinical Legal Education is to impart training to para legals.

While in America legal aid is failing to match services to need. Hence in order to meet the deficiency the creation of more para legals are necessary. The grow of tendency of para legal aid in America grew from the case Powell vs Alabama. Where International Labour Defence, an Non Government Organisation came forward to rescue with Afro Caribbean boys whom were charged to rape two young girls on a train.

United States of America particularly in criminal justice relating to habeas corpus the congress in 1995 entirely eliminated funding for organisations and Non Government
Organisations that represented death row inmaters on collateral habeas corpus review. As 40% reversal rate of state cases in judgement of habeas corpus noticed. It is found in America that the constant evaluation and critiquing of the facts of the criminal justice system by law academics and law students with particular reference to its impact on the poor, led to the institutionalising of the public defender service with state support. This supplemented the earlier voluntary efforts of Non Government Organisations backed by corporate foundation funding.

In United States of America the civil legal aid which does not enjoy a constitutional status because of its 6th Amendment of Constitution is applicable only to criminal justice. So there are little scope of extension of para legal aid particularly to civil justice arena.

In America various voluntary organisations are working in large number particularly to protect the civil liberties and public interest. Legal aid organisations are set up all over the United States without assistance from the Government and the works turnout really commendable.

**PARA LEGAL AID CLINIC**

Para Legal Aid Clinic is a part of Legal Services Clinic. While the concept of legal services clinic is an integral part of Clinical Legal Education. It includes the different legal aid clinics organised and run by different Law Colleges, Law Departments of Universities, Law Universities and different Voluntary Organisations or Non Government Organisations. Generally para legal aid clinics are providing free legal aid through persons having legal knowledge and law degree but whose first and foremost profession is not legal profession. The general public particularly the persons below poverty line can approach those clinics for free legal aid. The office bearers or trainees (student of law
generally) of those clinics generally hear the grievances relating to law and offer necessary legal help free of cost to offer legal redress or reprise of the grievances.

The objectives of para legal aid clinics are two-

i) Educate and provide social services to poor.

ii) Training to para legals.

To provide basic legal education to the para legals as well as to people particularly to those people who would approach the Para Legal Aid Clinic, these Para Legal Aid Clinics are started. Primarily the para legals are those law students to whom the different techniques of interviewing the clients finding out the actual legal problem, suggestion how to solve the legal problems and drafting of the different kinds of suit / cases are taught. Every para legal Aid Clinic can train the law students and the mass people about several provisions of law in order to exercise their legal and fundamental rights.

The basic difference of Para Legal Aid Clinic and Legal Aid Clinic is that the para legal aid clinic generally cannot assist a person in the court providing lawyers because the person who will assist him is not a lawyer in proper sense of the term. Legal Aid Clinic generally to recruit the services of a lawyer to provide legal assistance in the court by providing lawyers to defend a person in court.

In some countries like South Africa, Sudan where Para Legal Aid provided on cost also help to increase the income of the institution and also providing training to para legals. The process not only helps to raise income but also assist the way to access to justice.

On the other hand South Africa which provides a National Diploma in Law of two years duration for para legal studies extends the environment of implementation
of para legal clinics in several legal institutions.\textsuperscript{12}

In Africa the provision is made to study the subject- Applied Legal Studies under distant education for two years duration. In U.J. Law Clinics to study the above subject the number of students are increasing from 93 of the year 2002 to 165 in the year 2004.\textsuperscript{13}

Commenting upon the satisfaction of clients upon para legals it is said the clients are more satisfied from non lawyers (para-legals).\textsuperscript{14}

Para Legal Clinic would help to increase the following-

(a) Cognitive skills.

(b) Practice and professional skills.

(c) Values and attitudes.

In Para Legal Aid Clinic the following can be taught to para legals particularly the law students-

a) Interview and consultation skills.

b) Oral or written communications.

c) Drafting skills.

d) Problems solving.

f) Confidentiality and legal entries.

Education is recognised as the first and foremost aim of para legal aid clinic. It is the duty of every para legal aid clinic to serve as an effective method to provide legal education to the law students and members of Non Government Organisations. Through para legal aid clinic students can acquire the above mentioned skills in order
to enrich their knowledges in social and practical perspectives. This education will certainly be socially relevant and promote multi disciplinary approaches in the legal field. The students trained in such clinic can provide himself as social engineer in balancing competing interests of various classes in the societies. In this way the clinic can strive to give high standard of skills and proper social outlook and commitment. The two objective of clinical legal education and legal service, are not contradictory to each other but can co-exist. The social and legal services should be regarded as an integral part of legal education.

In order to achieve the above objectives, students should be trained on-

i) Non Litigative skills.

ii) Litigative skills.

Non litigative skills are provided by adopting the following approaches by clinical method of teaching-

a) By understanding the socio legal problems.

b) Analysing the various problems and

c) Indentifying the remedial measures of the disputes/cases.

While litigative skill is provided by the traditional mode of imparting legal education. Socio legal problems can be identified by interviewing the poor clients. Where clients are illiterate, silent, students may approach them at their home and make detailed survey. When students would identify socio legal problems prevailing in our society, they can analyse the problems. Such analysis can be performed in seminer and workshop under the able supervision of clinical law teacher and social workers.

The remedial measure need not be litigative. It can be extended to conciliate
or mediate or negotiate or settlement of disputes. By imparting socio legal literacy to
the poor elements, the disputants can be persuaded to make amicable settlement of
their disputes.

Now and then it is suggested that in order to get grants from Government and
concerned authority the para legal clinic can be registered under Societies Registration
Act, 1861. This will facilitate to get grant from Government. The Legal Aid Clinic can
frame rules, regulations and bye laws about its proper functioning.

According to Prof Ranbir Singh the Law School can no longer remain as silent
spectator to the suffering of the masses. Time has come that they learn to fight for suffering
masses and the underpriviliged by playing an active role in mitigating injustices which
poor people suffer the present day socio economic environment. The law schools have
to wake up and take the challenge and devise the means and tools to make law an
instrument of socio economic change.15

Singh further discusses that no Legal Services Clinic can go a long way towards
improving the content of legal education of the law students and preparing them for
the practice of law. The programme of students participation in the Legal Services Clinic
would ordinarily involve interviewing application for legal aid, preparing detail report
on those interviews, research on legal issue raised, drafting of pleading and such further
pre-trial preparations as the programmes may design. There are legal services programmes
in countries such as United States, Latin America, Zambia, and Indonesia, which permit
students under proper supervision to appear and argue cases in open court on behalf
of the indigent clients. The students will gain exposure to actual cases and to the lawyers
problem in dealing with litigants. They will get the opportunity to develop skills of
interviewing and close analysis of legal problem. Prof Singh again comments that there can be no doubt that participation of the young law students will begin to appreciate that law has a social role to play and fulfill. It is not merely an instrument or means for earning livelihood. But it is an instrument of social engineering and with it the problem of poor can be resolved and the poor who are otherwise alienated and disoriented from legal process can be brought back within its fold. The law students who are instructed in poverty law will become better lawyers, more useful to the society. The involvement of law students in the legal services programme will also broaden the interest of legal profession and stimulate to increase scholarship in the poor man's problems and great attention will be fixed on issues which affect the under privileged segments of the community.

Analysing the Report of National Jurisprudence it is found that law teachers, legal researchers and law students once harnessed to the process of legal aid will produce spectacular and successful results. The creative utilisation of law students in the country with financial and reduce the burden on its legal service institutions. This is of immerse importance that there should be University and Law College Schemes for conservation of the enthusiasm of law students into a potent resource on behalf of the poor and indigent.

From the above it can be deduced that the concept of clinical legal education is that the law student be imparted practical training how the law really functions in the day to day life, meaning thereby, the application of theoretical legal principles to the actual human problems. It can also play a useful role in the rendering of legal services. On the other hand it is found that the experience of students in legal services clinic
like in other countries has played a very significant and pivotal role which students are always responding with enthusiasm and with professional competence and confidence. As much as the responsibility of student increases, accordingly the confidence of students increases.

It is found that the proper Para Legal education on clinical legal education can be imparted by the school of law or law colleges in association with legal aid centre where final year LL.B. students are allowed to appear court to render legal aid as para legals, under the supervision of practising lawyers or Part Time Faculty Members or Full Time Faculty Members. It is necessary to follow some rules and regulations for whom the students will render legal aid in court as Para Legals.

On the other hand Para Legal Training is the way of providing legal aid to the poor and assist the person in society. The first aid of medical and para legal training of law are related to each other in the sense that as first aid is necessary in medical, similarly the para legal aid is necessary in law faculty. Like first aid, the para legal aid is necessary for a para legal victim. In every bus, train, aeroplane, there are the first aid system provided by the order of Government, similarly the Government should make law to provide by final year LL.B. law students to provide para legal aid atleast by imparting para legal training to general people like housemanship of MBBS students.

As we know medical aid tells what type of aid is required whether surgery, medicine, E.N.T, likewise para legal training under para legal aid is made by which the victims are made to aware of their legal and constitutional rights and the necessary remedies available to them unless the persons is conversant with legal knowledge, the person may be easily misguided in law. Hence it is through para legal training the mass
people can be trained about the prevailing different informations of law. For this purpose various para legal training centres can be started urgently. The para legal training centre must be attended by the persons having well acquired knowledges in various spheres of law. These training centres must be started by School of Laws, Law Colleges and various Non Government Organisations providing legal aid, over and above the training of the people; the victimised/affected people in law can take legal aid or advice from these training centres imparted through resource persons. The para legal clinic or para legal training centre should be kept under the direct supervision of a responsible faculty member particularly in school of law or law colleges.

To bring about a socio economic change in the country through the process of law, it can be brought through preventive legal service programme. This will help in the prevention and elimination of various injustice met by poors and downtroddens as a class. The poors suffer due to poverty and failure to launch a frontal attack upon injustice either in society or in the floor of court.

Para legal aid aim is to strike at the root of problem of poverty by seeking to change the social and economic institutions and at the same time, educate and organise the poor so that they may become concious and powerful and the institutional changes may become real and permanent.19

At present in the countries where final year LL.B. Student may not appear before the court on behalf of the litigant but certainly they may assist the litigants by providing legal advice and by negotiating the disputes. They may play an important part being para legals in setting the disputes by compromise. They may draft First Information Report, plaints, prepare agreements, written statements and points of arguments. They
may also collect the relevant cases on specific issues involved in the specific cases. Thus they may assist the advocates rendering legal aid in the above matters. The student as para legal may appear on behalf of litigant before the Court or Tribunal or Forum or Commission or Authority in cases where for such appearance enrollment as advocate is not necessary, for example Human Rights Commission, Labour Court, Consumers Forum and the like. The students as para legals can appear before Lok Adalat where attendance of advocate is not compulsory and there is no compulsion for the parties to engage advocates to know about alternative dispute resolution system.

Once it is perceived that the poor and downtrodden have the right to legal aid, so it is the duty and responsibility of law to safeguard and protect them by solving their various legal problems and to advance their causes to secure for them the economic and social justice.

It has now been well understood that the programme of legal literacy as much as essential as that of legal awareness in all developing countries and hence the para legals should stain every nerve to render them with legal literacy as well as legal aid camp/literacy camp. The voluntary organisations and para legal literacy clinics/centres can publish handbills, pamphlets, booklets, news bulletin through radios, cassette, televisions and video films. Video films can be produced upon those subjects so that people can know or awake about their different rights by enjoying those medias. Special stress should be given to the industrial prisoners and jail inmates.

That the fundamental right guarantees that the social justice have no meaning for the indigent who is not capable of protecting himself through court of law unless the cost of courts are become easily available.20
The justice which should not be allowed to be monoply of a few well-to-dos, as they can engage best lawyers by paying best fees. In order to prove the equality before law and equal access to justice to poors and downtroddens must get the taste of justice through legal aid which can play a pivotal role to awake those have-nots about the amenities of legal aid from govenment as well as from private sectors-so that the guarantee of socio economic and political rights will not be teasing illusion and would be able to serve the course for which they are meant.

In order to bring the law to the door step of the poor people so that law can solve the problems of not only the poors but also of children, women, disables and weak, there must be radical change in the thinking of elite and intellectual people of the country in general and the budding lawyers in particular. The people directly and indirectly, involved in the inplementation of administration of justice have to lookout their professions on that angle of law so that the goal of social justice does not remain a fry cry. In this respect the role of Schools of Law becomes pioneer, important and pivolal.

One can recall the versions of Jawaharlal Nehru at the time of attainment of independence.21 The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of greatest man of our generation has been to wipe out every tear from every eye. That may be beyond us but as long as there are tears and suffering, so long our work will not be over.

Even Robert Kennedy, the President of United States of America also believed that the poor man looks upon the law as an enemy not as friend because for him law
Describing the melody of Indian law, Justice V.R. Krishna Iyer observes:

I am aware of the fact the revolution through rule of law, balancing comparatives stability with goal spurred, change has a hap between gestation and parturition, but where the whole gamut of technology and technologist is not inspired by the shared passion for the people, law with a heart that weeps for the poor, hand that wipe their tears and heads that plan remedies for their melodies may not be within reach. This is the dilemma of Indian Law in the context of development and distributive justice.

So legal aid camps are one of the means through which by expanding the distributive and preventive justice we can lessen the grievances of the poor through the para-legal aid by the help of para legals. The doctors or medical associations use to hold the medical camp just for testing blood group, free eye operation, free health check-up and blood check up, likewise law students, law teachers, Non Government Organisations, advocates are holding legal aid camp to advise the people about different provisions of law particularly the poor people.

In para legal aid generally the following people are organising para legal aid camps particularly in remote and backward areas and in jails:

1. It is a duty and obligation imposed by syllabi of Bar Council of India to all law students of Bachelor of Law course to organise and provide para legal aid in camps in response to practical paper assisted by law teachers.

2. It is a social and conscious duty and obligation of voluntary organisations which are related to legal sphere irrespective of whether they are getting any
grant or aid from Government or not, to hold para legal aid camps.

(3) Any trust which is created in respect of legal aid can also provide para legal aid camps.

It is through para legal aid camp both prelitigative and litigative, remedial as well as preventive distributive as well as preventive, distributive as well as epistolary justice can be provided.

In order to amicable settlement of disputes on spot the above parties may request The Legal Services Authority to hold temporary of mobile Lok Adalats in those areas. The qualified members of those organisations may also serve a conciliators of temporary Lok Adalats.

It is through Para Legal Aid Camp the other members of Non Government Organisations and newly entered law students can be trained along with people particularly in matter of Legal Literacy, Legal Advice and Legal Awareness. People can be informed about the different new approaches of law to mitigate the rigour of law like alternative dispute resolution mechanisms. People may also acquire the knowledge how being concious about different provisions of law they may erect a barrier against the different exploitations, excesses of law and misuse of law by using their different rights, the legal advice provided to the people can help them to decrease the tiny and unlawful disputes among them through settlement both at pre-litigative and litigative atage.

In this way the para legals may bridge the gap between the people and the administration of justice to bring the law to the door steps of the people.

Hence S.S. Sharma rightfully observes that there should be preparatory work in lawyering that every lawyer is expected to be proficient in identifying socio legal
problems. The students field visits from house to house, contract and by interviewing poor persons, should collect data, in various perspectives, their problems may be identified and their solutions may be sorted out. On the basis of the collected facts, Research may be conducted for the betterment of the downtrodden persons. A detailed study may also be filled up by the students during legal aid camps.23

The Law Students are best machinery to educate them about their legal rights. Legal education can be imparted during its clinic activities as well as in out clinic activities.

The pamphlets/hand books/booklets containing different provisions of law in lucid local languages particularly social welfare laws should be distributed among poor persons in para legal aid camps. In that camp contents of booklets/pamphlets can be explained to poor masses in order to mobilise social action.

There are masses of the people who know nothing about the laws enacted for their benefits. It is evident that massive national programme of legal literacy has to be the basic and the most vital step in any scheme generally enacted to provide legal aid.

We have Agricultural Extension Officer to popular the scientific methods of agriculture and instruct rural people in the application of scientific method in agriculture, likewise we have family planning doctors and health visitors who visits rural areas to popularise scientific method of study. But as ill luck would have in India have not state salaried Law Counsellors or Legal Officers for every group of villages assisted by the staff of social investigators whose duty is to go round the several areas and investigate in to the legal requirements of the people with particular reference to the social and economic problems of the weaker sections of the rural areas of the society. To identify their legal problems needs to acquaint or advise them about their legal rights and to install
generally the feeling of awareness or consciousness about their rights.


Legal aid and legal education is an act of charity. It should be our duty to spend some hours for good works and to provide legal assistance to the poor by way of legal literacy. Such an attitude towards legal aid is a reflection of Indian philosophy.

It is admitted by all that poverty is the drawback of legal literacy and to acquire the legal awareness. The preventive legal service programme contemplated by the various committees are calculated to strike at the root of the problem of poverty by seeking to change the social fabric and economic institutions and at the same time, educate and properly organise the poor so that they may become aware and conscious as well as powerful so that constitutional change may become real and permanent for the poorest of the poors.

In Indian system of administration of justice there is a provision to receive legal services on free enterprise particularly to indigents but in many cases lawyers are not interested in spreading legal literacy among the people on free enterprises, as they think it against their profession and lead to loss of fees.

But the para legal aid can create a service oriented cadre of advocates. As the legal literacy may compose of-

a) Literacy camp.

b) Publication of legal literature and its free distribution.
c) Para legal clinic and
d) Para legal services.

In short the object of legal literacy camp as well as the para legal aid is to acquaint the ignorant people by dint of various devices about their different constitutional and legal rights and remedies available to them. Here also various problems including the socio legal problems can be discussed in order to achieve the coveted goal of para legal aid as well as legal aid, the assistance of exitibition, posters, signboards, booklets can be obtained to have a speedy boost to para legal aid programmes.

FOOTNOTES AND REFERENCES

1. Newsletter of Committee for Implementation of Legal Aid Schemes (CILAS) published from New Delhi, July-December, 1991, P-12

2. Ibid, P-12

3. Ibid, P-15


6B. Ibid, P-254.

6C. Metzger Barry -'Legal Aid and Legal Education', 2005, P-17.
6D. Supra Note -4, P-261, Para -II.


7A. Supra Note -6A, P-251

7B. Ibid


7D. Supra Note-6A, P-252.

8. Ibid, P-254.


8C. Supra Note-8A, P-57.


8F. Ibid, PP-38, 33.

8G. Supra Note-8F, P-38.


8I. Interview with Adv. Zia Hassan of BLAST on a visit to Delhi on 27th March 2004.

8J. Rule 9 of Chapter-II reads 'It is the right of the advocate to undertake the defence of a persons accused of crime, regardless of his personal opinion as distinguished from knowledge, as to the guilt of the accused, otherwise innocent persons. victim merely of suspicious circumstance might be denied proper defence'.


8N. Copper Jeremy and Dhavan Rajib- 'Public Interest Law', Basil and Blackwell, 1986, P-121.


8Q. Supra Note-7, P-274.


9A. 287 US 45 (1932).


10. Supra Note-5A, P-338, Para -IV.

11. Ibid, P-338, Para -V.

12. Supra Note-7, P-258.


16. Ibid, P-38, Para-II.

17. Ibid, PP-38, 39, Para-III and I.


20. Supra Note-15, P-37, Para -IV.

21. Telegraph, dated 20-5-1948, P-I, Column -V.


25. Supra-Note 19, P-52, Para-IV.